

Date

Mr. Byron C. Hurst
Board Member
St. Helena Parish School Board / District 2
354 Sitman Street
Greensburg, Louisiana 70441

**Re: Louisiana Board of Ethics Docket No. 2021-883
Advisory Opinion**

Dear Mr. Hurst:

The Louisiana Board of Ethics, at its December 3, 2021 meeting, considered your request for an advisory opinion regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit you from being employed with the Louisiana Department of Education as the Deputy Assistant Superintendent for Student Well-Being while serving as a member of the St. Helena Parish School Board.

FACTS PROVIDED

You stated that you are an elected member of the St. Helena Parish School Board representing District 2. You stated that you have accepted an unclassified position with the Louisiana Department of Education as the Deputy Assistant Superintendent for Student Well-Being. You are seeking an advisory opinion as to whether any conflict exists under the Code as to your holding both public positions.

LAW

La. R.S. 42:1111A(1)(a) provides that a public servant shall not "receive anything of economic value, other than compensation and benefits from the governmental entity to which they are duly entitled, for the performance of the duties and responsibilities of his office or position."

ANALYSIS

La. R.S. 42:1111A(1)(a) prohibits a public servant from being paid from another source to provide the duties and responsibilities of their public position. Accordingly, a public servant should not be paid from one public job, while doing work for the other public job. Therefore, you would be prohibited from being paid by the Department of Education if you were performing duties as a school board member.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Louisiana Code of Governmental Ethics would **not** prohibit you from being employed as the Deputy Assistant Superintendent for

Student Well-Being for the Louisiana Department of Education while serving as a member of the St. Helena Parish School Board, provided you are not providing services as a school board member while you are on the clock as an employee of the Department of Education. Also, you should note that your new employment situation may raise issues under the Dual Office Holding and Dual Employment law. Opinions on the dual office holding and dual employment law are within the jurisdiction of the Attorney General. The Office of the Attorney General may be contact at (225)326-6000.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker,
Deputy General Counsel
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.